

14848. Adulteration and misbranding of butter. U. S. v. Wayne Searcy (Dublin Creamery). Pleas of nolo contendere. Fines, \$50. (F. & D. Nos. 19736, 19794. I. S. Nos. 6499-x, 6697-x.)

On March 19, and October 11, 1926, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against Wayne Searcy, trading as the Dublin Creamery, Dublin Ga., alleging shipment by said defendant, in violation of the food and drugs act as amended, in two consignments, on or about September 15, 1925, and April 28, 1926, respectively, from the State of Georgia into the State of Florida, of quantities of butter which was adulterated and misbranded. One shipment of the article was labeled in part: "Creamery Butter." The other shipment of the said article was labeled in part: "Fancy Creamery Butter" and "One Pound Net Weight."

It was alleged in the informations that the article was adulterated, in that a substance which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statements, "Creamery Butter," with respect to one shipment of the product and "Fancy Creamery Butter," "One Pound Net Weight," with respect to the other shipment thereof, borne on the labels, were false and misleading, in that the said statements represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, and that the packages in one shipment of the product contained 1 pound of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, and that the packages in one shipment of the product contained 1 pound of butter, whereas the said article was not butter, in that it contained less than 80 per cent of milk fat, and the packages in one shipment each contained less than 1 pound of butter. Misbranding was alleged with respect to one shipment of the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 3, 1926, the defendant entered a plea of nolo contendere to each of the informations, and the court imposed fines totaling \$50.

W. M. JARDINE, *Secretary of Agriculture.*

14849. Misbranding of meat scraps. U. S. v. 20 Sacks of Meat Scraps. Default decree of forfeiture and sale entered. (F. & D. No. 21383. I. S. No. 13521-x. S. No. E-5903.)

On November 20, 1926, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 sacks of meat scraps, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Norfolk Tallow Co., Inc., from Norfolk, Va., on or about October 6, 1926, and transported from the State of Virginia into the State of Georgia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Notalco Extra Quality Meat Scraps for Poultry Guaranteed Analysis Protein Min. 55% * * * Manufactured by Norfolk Tallow Co. Norfolk, Va."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis Protein Min. 55%," borne on the label, was false and misleading and deceived and misled the purchaser.

On December 17, 1926, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14850. Misbranding of Boro-Pheno-Form. U. S. v. 2½ Dozen Packages of Boro-Pheno-Form. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 21260. I. S. No. 13903-x. S. No. C-5211.)

On August 26, 1926, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 2½ dozen packages of Boro-Pheno-Form, remaining in the original unbroken packages at Louisville, Ky., alleging that the article had been shipped by the Dr. Pierre Chemical Co., Chicago, Ill., on or about July 14, 1926, and transported from the State of Illinois into the State of Kentucky, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of suppositories containing cocoa butter, quinine sulphate, zinc sulphate, boric acid, and traces of formaldehyde and phenol.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Package label, wrapper and booklet) "Antiseptic," (booklet) "Beauty, Health and Strength * * * Healing and Invigorating Influence. * * * Causes Of Woman's Ills. * * * All troubles are easily cured in the beginning * * * the remedy will prove of such remarkable benefit to you that you will consider it your duty to recommend it to your friends in like circumstances. For the treatment of diseases peculiar to women it remains without a rival. * * * For the diseases and inflamed condition of the Pelvic organs such as Leucorrhea (the whites) Ammenorrhea (Suppression), Dysmenorrhea (painful periods), Menorrhagia (bleeding), Ovaritis (inflammation), Boro-Pheno-Form is indispensable. The diseased and inflamed conditions of these organs in general, must naturally affect the whole nervous system, culminating in Headaches, Despondency, Melancholy, Hysteria, Crying Spells and Dyspepsia. Tumors, Irregularities and other complicated afflictions are sure to follow these conditions. The system in general quickly responds in sympathy with the diseased condition of the organs. * * * Overcomes Leucorrhea And Other Pelvic Derangements. First, by its marvelous antiseptic action which cleanses the parts and destroys pus cells. Second, by its slight astringent properties which tend to restore the dilated Epithelial cells to their normal size, thus enabling them to perform nature's duty normally. Third, by its great Tonic effect upon the organs and the circulation. Under the action of this remedy the discharge gradually ceases, the unpleasant symptoms soon disappear, the food is better assimilated, you commence to gain strength and soon feel like a new woman. We earnestly urge all women so afflicted to use Dr. Pierre's Boro-Pheno Form Antiseptic Cones. * * * a most excellent treatment for piles. * * * As a tonic and invigorator in Nervous Debility, use one every other night. For Leucorrhea, Catarrh, Prolapse, Version, Flexion, Backache, Suppression of the Natural Flow, due to a cold, and as a general tonic to any of the Female Organs * * * These suppositories should not be used during menstruation, as they may impede its progress, but used in the intervals, they prove a most efficient regulator as to time and quantity and make this important function upon which good health so greatly depends, as it should be—natural and painless. * * * A smarting sensation on first application is conclusive proof of an ulcerated condition of the parts and therefore the more urgent the need of the remedy. * * * the best cure for female trouble * * * of great help to all ills of a mother. * * * very beneficial as a cure for Leucorrhea * * * I have been using the * * * Cones for Leucorrhea and has made me feel like a different woman. * * * It is the best cure for female trouble."

On October 4, 1926, the claimant of the property having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*.